

Pursuant to 28, United States Code, Section 636(b), Judge Keesler was designated to consider these pending motions in the above captioned action and to submit to this Court a recommendation for the disposition of these motions. On September 8, 2011, Judge Keesler entered the Memorandum and Recommendation containing proposed conclusions of law in support of his recommendation concerning such motions. The parties were advised that any objections to the Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections ended on September 26, 2011, and no written objections to the Memorandum and Recommendation have been filed.

After careful review of Judge Keesler's well reasoned Memorandum and Recommendation, the court finds that the proposed conclusions of law are fully consistent with current case law. Accordingly, the court hereby **ACCEPTS** Judge Keesler's recommendation that both motions be denied and that the action be remanded for further review of whether substantial evidence supports a finding that plaintiff can return to her past relevant work, or that she can make an adjustment to other work.

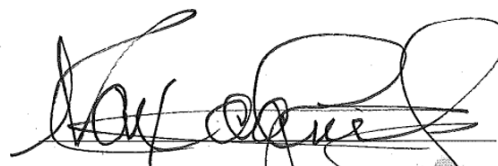
ORDER

IT IS, THEREFORE, ORDERED that the Commissioner's Motion for Summary Judgment (#17) is **DENIED** and that plaintiff's Motion for Summary Judgment (#15) is **DENIED**.

IT IS FURTHER ORDERED that the Memorandum and Recommendation is **AFFIRMED** and **ADOPTED** by this court in full, and that the final decision of the Commissioner is hereby **VACATED**, and this matter is **REMANDED** for reconsideration of the record and for a new hearing consistent with this Order.

A judgment consistent with this Memorandum and Decision shall be entered by the Clerk of Court simultaneously herewith.

Signed: September 27, 2011



Max O. Cogburn Jr.
United States District Judge